

REMARKS

Claims 1-37 are pending. Of those, claims 1, 18, 19 and 20 are independent.

Applicant thanks the Examiner for the cooperation extended in the form of the interview conducted on February 25, 2004 with one of Applicant's representatives. During the interview, the Examiner's interpretation of the terms "non-text display-generation data" and "indicators" was discussed as well as the Examiner's asserted correspondence of this term to the Fake et al. patent.

§103 Rejection Based Upon Fake et al. Patent

Beginning on page 2 of the Office Action, claims 1-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,826,062 to Fake Jr. et al. (the "Fake et al. patent") in view of U.S. Patent No. 6, 272,549 to Daniel (the "Daniel patent"), and further in view of U.S. Patent No. 6,160,555 to Kang et al. (the "Kang et al. patent"). Applicant traverses.

Applicant continues to traverse the §103 rejection based upon the Fake et al. patent. For the sake of brevity, Applicant's preceding traversal remarks will not repeated here. Instead, the following additional traversal arguments are presented.

The Examiner has acknowledged that the Fake et al. patent does not disclose or suggest the claimed "translating said groups of non-text data into groups of text data." Applicant agrees. But there other differences between the Fake et al. patent and claim 1.

A MIME (multipurpose internet mail extensions)-formatted email message includes both textual material and non-text embedded attachments. An SMTP (simple mail transfer protocol) mail server cannot display a MIME-formatted email message accurately to a user; rather what results is that the non-text embedded attachments cannot be viewed or used. See lines 28-35 of column 1. The Fake et al. discloses a method by which an SMTP mail server

can present a MIME-formatted message to a user in a manner that permits the user to be advised that non-text embedded attachments (e.g., multi-media files), are included. See lines 38-41 of column 1.

More particularly, the Fake et al. patent teaches the following. A MIME-formatted message is converted into text and non-text portions; see lines 55-56 of column 1. The non-text portions are stored as non-text files, e.g., binary files; see lines 56-57 of column 1. Then, a converted message is displayed to a user, the converted message including a text portion and references to the non-text files; see lines 58-60 of column 1. The references to the non-text files in the converted message are inserted at positions corresponding to positions where non-text embedded material otherwise would have been visible if the email message originally would have been viewed via a MIME-compatible mail application; see lines 61-64 of column 1.

In more detail, all of the text portions of the MIME-formatted message are converted into one non-POP (post office protocol) note 21 (explicitly called out in Fig. 1, though lines 17-19 of column 2 indicate that text portions 21 are also depicted in each of Figs. 2A, 2B and 2C); see lines 62-64 of column 2. The embedded non-text portions of the MIME-formatted message are isolated into separate non-text files 41, 43 and 45; see lines 64-65 of column 2. As the text portion 21 is being created, references 31, 33 and 35 to the non-text files 41, 43 and 45 are inserted into the text note 21; see lines 4-6 of column 3.

For the sake of argument, Applicant will assume that the splitting of a MIME-formatted message into separate files (one or more of which represent non-text files 41, 43 and 45) corresponds to the claimed feature of "acquiring said file of non-text display-generation data." Under that assumption, where does the Fake et al. patent disclose the next claimed feature of "extracting groups of non-text data, representative of said plurality of indicators, respectively, from said file of non-text display-generation data"? Once the non-text files 41, 43 and 45 are created, nothing further is extracted from them according to the Fake et al. patent.

Moreover, the Examiner indicated during the interview that the claimed "indicators" correspond to references 31, 33 and 35 of the Fake et al. patent. But references 31, 33 and 35 are not extracted from the non-text files 41, 43 and 45. Rather, the references 31, 33 and 35 are created and inserted into the non-text portion 21 at positions where the non-text embedded material otherwise would have been displayed as an icon, etc., in a MIME-compatible email application; see lines 61-64 of column 1. Thus, another distinction over the Fake et al. patent of claim 1 is "extracting groups of non-text data, representative of said plurality of indicators, respectively from said file of non-text display-generation data."

Claim 1 further recites "translating said groups of non-text data ... ". As explained above, no groups are extracted. As such, no extracted groups exist which can be translated. The Examiner (again) has acknowledged that the Fake et al. patent does not disclose translating non-text data into text data. But as noted, Applicant does not merely recite translating any non-text data into text data. Rather, Applicant recites "translating said groups of non-text data ... ". Hence, another distinction over the Fake et al. patent is "translating said groups of non-text data ... ".

Claim 1 further recites "identifying one of said groups of text data as corresponding to said desired indicator." As there are no translated groups according to the Fake et al. patent, then no identification of one of the translated groups could be disclosed by the Fake et al. patent.

Furthermore, claim 1 recites "converting the identified group of text data into a set of text variables ... ". As no group is identified (see above), then no conversion of an identified group of text data into a set of text variables could be disclosed by the Fake et al. patent.

The Daniel patent cannot make up for the deficiencies of the Fake et al. patent explained above. The Examiner has relied upon the Daniel patent as disclosing, in general, conversion of hexadecimal data representation into ASCII character representation. This is done within the context of encoding data within a packet; see line 64 of column 7 to line 3 of column 8.

In the last paragraph of page 3 of the Office Action, the Examiner acknowledges that the Fake et al. patent and the Daniel patent each does not explicitly disclose "plurality of indicators" and "converting the identified group of text data into a set of text variables having values representative of said characteristics of said desired indicator". But the Examiner believes that such is disclosed by the Kang et al. patent. Applicant traverses.

In general, Applicant is willing to acknowledge that the Kang et al. patent mentions text cursors and changing of the appearance of the text cursors; see line 61 of column 3 to line 9 of column 4. But nothing about the Kang et al. patent discloses the concept of there being groups of non-text data within a file of non-text display-generation data that represent a plurality of indicators. Nor does the Kang et al. patent disclose extracting such groups from the file of non-text display-generation data, nor translating said groups, nor identifying one of said translated groups, nor converting the identified group of text data.

Apparently, the Examiner also believes that the Kang et al. patent discloses converting text data into a set of text variables having values representing characteristics of an indicator. Where is this disclosed in the Kang et al. patent? It is not disclosed in the passage cited by the Examiner (namely column 3, line 61 to column 4, line 9), which is reprinted as follows:

The Normal cursor 16 indicates the position where the next character 14, which will be recognized as a lower case letter, will appear. In the event that a character mode changes because the user has selected a relevant on-screen character mode button or made a relevant gesture on the unistroke HWR system, the novel cuing feature will provide a visual cue, or indication, to the user at that position. A text cursor change will result. An exemplary text cursor which is used for indicating the number character mode is shown in FIG. 2 as the Num Lock cursor 26. Some examples of text cursors that may be used to indicate the other character modes can be seen in FIG. 3, where a Caps Lock cursor 36 is shown next to the word "CAPS" for indicating the upper case letter character mode. Similarly, a Shift cursor 38 is shown next to the word "Shift" for indicating another known upper case letter character mode.

The passage of the Kang et al. patent cited by the Examiner might be considered a general teaching to change the appearance of particular cursors on a display. But that is far different from converting text data into a set of text variables having values representative of characteristics of the desired indicator. Where is the conversion disclosed? Where are the text variables mentioned?

In view of the deficiencies in each of the Fake et al., Daniel and Kang et al. patents noted above, the §103 rejection based upon the combination of these three patents is improper. Claims 2-17 and 24-27 depend at least indirectly from claim 1, respectively, and are patentable at least by dependency.

Each of independent claims 18, 19 and 20 recited features similar to those of claim 1 discussed above. By similarity, the rejection of claims 18, 19 and 20 over the combination of the Fake et al. patent, the Daniel patent and the Kang et al. patent is improper. Claims 21-23 and 28-37 depend at least indirectly from claim 20, respectively, and are patentable at least by dependency.

In view of the foregoing discussion, the §103 rejection of claims 1-37 is improper and Applicants requests that it be withdrawn.

CONCLUSION

The issues in the case are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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